

**SECOND DAY**

**MORNING SESSION**

Senate Chamber, Olympia, Tuesday, January 12, 2010

The Senate was called to order at 11:45 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senators Benton, Berkey, Brandland, Brown, Fairley, Fraser, Hargrove, Haugen, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Keiser, Kohl-Welles, McAuliffe, McCaslin, Morton, Murray, Parlette, Pflug, Prentice, Ranker, Sheldon, Stevens, Swecker, Tom and Zarelli.

**MOTION**

On motion of Senator Eide, the reading of the Journal of the previous day was dispensed with and it was approved.

**KING COUNTY COUNCIL, SIGNATURE REPORT  
KING COUNTY WASHINGTON**

Proposed No. 2010-0025.2  
Motion 13112

A MOTION making an appointment to fill the vacancy in the 41<sup>st</sup> legislative district of the Washington State Senate.

WHEREAS, a vacancy exists in the position of state senator for the 41<sup>st</sup> legislative district due to the resignation of Senator Fred Jarrett effective December 18, 2009, as a result of his accepting the position of King County deputy executive, and

WHEREAS, the 41<sup>st</sup> legislative district Democrats have met to consider possible replacements for this position; and

WHEREAS, the King County Democratic Central Committee has submitted the names of three nominees to fill the vacancy;

NOW, THEREFORE, BE IT MOVED by the Council of King County;

Randy Gordon is hereby appointed to the position of state senator from the 41<sup>st</sup> legislative district.

Motion 13112 was introduced on 1/4/2010 and passed by the Metropolitan King County Council on 1/11/2010, by the following vote:

Yes: 9 – Ms. Drago, Mr. Phillips, Mr. Von Reichbauer, Mr. Gossett, Ms. Hague, Ms. Patterson, Ms. Lambert, Mr. Ferguson and Mr. Dunn

No: 0

Excused: 0

King County Council  
King County, Washington  
Robert W. Ferguson, Chair

Attest: Anne Noris, Clerk of the Council

**MOTION**

On motion of Senator Eide, the Senate advanced to the fourth order of business.

**MESSAGE FROM THE HOUSE**

January 12, 2010

MR. PRESIDENT

The Speaker has signed:  
SENATE CONCURRENT RESOLUTION 8410,  
SENATE CONCURRENT RESOLUTION 8411,  
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

**MESSAGE FROM THE HOUSE**

January 12, 2010

MR. PRESIDENT

The Speaker has signed:  
HOUSE CONCURRENT RESOLUTION 4406,  
HOUSE CONCURRENT RESOLUTION 4407,  
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

**MOTION**

On motion of Senator Eide, the Senate advanced to the fifth order of business.

**INTRODUCTION AND FIRST READING**

SB 6300 by Senators Hobbs, Parlette, Schoesler, Berkey and Shin

AN ACT Relating to authorizing public hospital districts to execute commonly accepted security instruments, as required to participate in federal programs that reduce the costs of financing the construction, rehabilitation, replacing, and equipping of hospitals or other health care facilities; and amending RCW 70.44.060.

Referred to Committee on Financial Institutions, Housing & Insurance.

SB 6301 by Senator Swecker

AN ACT Relating to designation of urban growth areas outside the one hundred year floodplain by counties; and reenacting and amending RCW 36.70A.110.

Referred to Committee on Government Operations & Elections.

SB 6302 by Senators Swecker and Stevens

AN ACT Relating to prohibiting the construction or operation of a light rail or other rail system on the Interstate 90 floating bridge; and adding a new section to chapter 47.04 RCW.

Referred to Committee on Transportation.

SB 6303 by Senator Swecker

AN ACT Relating to the disposition of existing voter-approved indebtedness at the time of annexation of a city, partial city, or town to a fire protection district;

amending RCW 52.04.061 and 52.04.081; and declaring an emergency.

Referred to Committee on Government Operations & Elections.

SB 6304 by Senator Keiser

AN ACT Relating to siting of large commercial airports; amending RCW 35.63.250, 35A.63.270, and 36.70A.510; adding a new section to chapter 36.70 RCW; creating a new section; making an appropriation; and providing an expiration date.

Referred to Committee on Transportation.

SB 6305 by Senator Keiser

AN ACT Relating to establishing the prescriber education program; adding new sections to chapter 18.71 RCW; creating a new section; and providing an effective date.

Referred to Committee on Health & Long-Term Care.

SB 6306 by Senator Schoesler

AN ACT Relating to crop adjusters; amending RCW 48.17.010, 48.17.060, 48.17.110, 48.17.150, 48.17.390, and 48.17.420; reenacting and amending RCW 48.14.010; and providing an effective date.

Referred to Committee on Financial Institutions, Housing & Insurance.

SB 6307 by Senators Rockefeller and Shin

AN ACT Relating to exempting from property taxation that is leased by certain nonprofit organizations from other nonprofit organizations; adding a new section to chapter 84.36 RCW; and providing an effective date.

Referred to Committee on Ways & Means.

SB 6308 by Senators Carrell, King, Marr, Stevens, Becker and Roach

AN ACT Relating to controlling computer access by residents of the special commitment center; and amending RCW 71.09.080.

Referred to Committee on Human Services & Corrections.

SB 6309 by Senators Carrell, King and Roach

AN ACT Relating to including persons acquitted by reason of insanity within the slayer statute; and amending RCW 11.84.010, 11.84.130, 11.84.140, and 41.04.273.

Referred to Committee on Judiciary.

SB 6310 by Senators Carrell, King, Hewitt and Roach

AN ACT Relating to criminal defendants who are guilty and mentally ill; amending RCW 10.77.040 and 9.94A.501; and adding new sections to chapter 10.77 RCW.

Referred to Committee on Human Services & Corrections.

SB 6311 by Senators Carrell, King, Marr, Hewitt, Schoesler, Becker and Roach

AN ACT Relating to body armor; amending RCW 9.94A.030 and 9.94A.533; reenacting and amending RCW 9.94A.728; adding a new section to chapter 9.94A RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Judiciary.

SB 6312 by Senators Carrell, King and Hewitt

AN ACT Relating to the imposition of a minimum bail bond premium fee of ten percent; adding new sections to chapter 18.185 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Judiciary.

SB 6313 by Senators Carrell and Hewitt

AN ACT Relating to enforcement of outstanding warrants from courts of limited jurisdiction; amending RCW 35.20.270, 3.62.020, and 3.62.040; and adding a new section to chapter 3.02 RCW.

Referred to Committee on Judiciary.

SB 6314 by Senators Carrell and Stevens

AN ACT Relating to special detention facilities; amending RCW 70.48.020; adding a new section to chapter 70.48 RCW; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; and providing an effective date.

Referred to Committee on Human Services & Corrections.

SB 6315 by Senators Carrell, King, Marr, Schoesler, Becker and Roach

AN ACT Relating to limiting alternatives to confinement for certain offenders who violate terms of community custody; and amending RCW 9.94A.633.

Referred to Committee on Human Services & Corrections.

SB 6316 by Senators Carrell, King, Hewitt, Stevens and Delvin

AN ACT Relating to coordination between local law enforcement and the department of corrections; amending RCW 9.94A.716 and 36.28A.040; adding a new section to chapter 72.09 RCW; and creating a new section.

Referred to Committee on Human Services & Corrections.

SB 6317 by Senators Carrell, King, Marr, Hewitt, Delvin, Schoesler, Becker and Roach

AN ACT Relating to assault of a law enforcement officer or other employee of a law enforcement agency; amending RCW 9A.36.011, 9A.36.021, and 9.94A.533; and prescribing penalties.

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Referred to Committee on Judiciary.

Referred to Committee on Government Operations &amp; Elections.

SB 6318 by Senators Carrell, King, Delvin, Schoesler and BeckerSB 6325 by Senator Jacobsen

AN ACT Relating to hospitals reporting violent injuries; and amending RCW 70.41.440.

AN ACT Relating to the institute of forest resources; amending RCW 76.44.030; adding a new section to chapter 76.44 RCW; and creating new sections.

Referred to Committee on Health &amp; Long-Term Care.

Referred to Committee on Natural Resources, Ocean &amp; Recreation.

SB 6319 by Senators Carrell and RoachSB 6326 by Senators Hobbs, Zarelli, Kastama and Brandland

AN ACT Relating to a veteran's preference under the state civil service law; reenacting and amending RCW 41.06.133; and reenacting RCW 41.06.150.

AN ACT Relating to creating uniformity among annual tax reporting survey provisions; amending RCW 82.04.240, 82.04.2404, 82.04.250, 82.04.2909, 82.04.294, 82.04.426, 82.04.4266, 82.04.4268, 82.04.4269, 82.04.4452, 82.04.4461, 82.04.4463, 82.04.448, 82.04.4481, 82.04.4483, 82.04.4484, 82.04.449, 82.08.805, 82.08.965, 82.08.9651, 82.08.970, 82.08.980, 82.12.022, 82.12.805, 82.12.965, 82.12.9651, 82.12.970, 82.12.980, 82.16.0421, 82.29A.137, 82.32.590, 82.32.600, 82.60.020, 82.60.070, 82.63.020, 82.63.045, 82.74.040, 82.74.050, 82.75.010, 82.75.020, 82.75.040, 82.82.020, 82.82.040, 84.36.645, and 84.36.655; amending 2009 c 461 s 9 (uncodified); reenacting and amending RCW 82.04.260; adding new sections to chapter 82.32 RCW; adding a new section to chapter 82.75 RCW; creating new sections; repealing RCW 82.32.535, 82.32.5351, 82.32.545, 82.32.560, 82.32.570, 82.32.610, 82.32.620, 82.32.630, 82.32.645, 82.32.650, and 82.16.140; repealing 2005 c 301 s 5 (uncodified); providing a contingent effective date; and providing an expiration date.

Referred to Committee on Government Operations &amp; Elections.

Referred to Committee on Ways &amp; Means.

SB 6320 by Senators Brandland and Keiser

AN ACT Relating to access to original birth certificate information for adult adoptees; and amending RCW 26.33.330, 26.33.340, and 26.33.345.

Referred to Committee on Human Services &amp; Corrections.

SB 6321 by Senator Jacobsen

AN ACT Relating to mitigating the impacts of the state route number 520 corridor project on the Washington park arboretum; amending RCW 47.56.820, 47.56.870, and 47.56.875; adding a new section to chapter 47.56 RCW; and creating a new section.

Referred to Committee on Transportation.

SB 6327 by Senators Regala, Tom, Brandland and PridemoreSB 6322 by Senators McDermott, Parlette and Kohl-Welles

AN ACT Relating to election notices; amending RCW 29A.08.140 and 29A.32.260; adding a new section to chapter 29A.52 RCW; and repealing RCW 29A.52.311 and 29A.52.351.

AN ACT Relating to the exemption of housing authorities from laws governing the construction, alteration, repair, or improvement of property by other public bodies; and amending RCW 35.82.070.

Referred to Committee on Government Operations &amp; Elections.

Referred to Committee on Financial Institutions, Housing &amp; Insurance.

SB 6323 by Senators Swecker and StevensSB 6328 by Senator Marr

AN ACT Relating to providing protection for vulnerable adults when domestic violence temporary ex parte protection orders are requested and issued; and amending RCW 26.50.070 and 74.34.020.

AN ACT Relating to billing for anatomic pathology services; and adding a new section to chapter 48.43 RCW.

Referred to Committee on Human Services &amp; Corrections.

Referred to Committee on Health &amp; Long-Term Care.

SB 6324 by Senator SweckerSB 6329 by Senators Kohl-Welles, King, Franklin, Hewitt, Keiser, Kline and Delvin

AN ACT Relating to creation of a flood district by three or more counties; amending RCW 85.38.090; and adding a new section to chapter 85.38 RCW.

AN ACT Relating to creating a beer and wine tasting endorsement to the grocery store liquor license; reenacting and amending RCW 66.20.310 and 66.20.300; and adding a new section to chapter 66.24 RCW.

Referred to Committee on Labor, Commerce &amp; Consumer Protection.

SB 6330 by Senators Kohl-Welles, Delvin, Haugen, Swecker, Kline, Fraser, Shin, Fairley and Roach

AN ACT Relating to permitting the placement of human trafficking informational posters in rest areas; and adding a new section to chapter 47.38 RCW.

Referred to Committee on Labor, Commerce & Consumer Protection.

SB 6331 by Senators Ranker, Parlette, Shin and Brandland

AN ACT Relating to tax relief for aluminum smelters; amending RCW 82.04.2909, 82.04.4481, 82.08.805, 82.12.805, 82.12.022, and 82.32.570; and providing an expiration date.

Referred to Committee on Ways & Means.

SB 6332 by Senators Kohl-Welles, Haugen, Delvin, Kline, Fraser, Stevens, Shin, Fairley and Roach

AN ACT Relating to human trafficking; amending RCW 19.320.010 and 19.320.020; adding new sections to chapter 19.320 RCW; and prescribing penalties.

Referred to Committee on Labor, Commerce & Consumer Protection.

SB 6333 by Senators Kohl-Welles, King, Hatfield, Keiser, McDermott and Kline

AN ACT Relating to beer and wine tasting at farmers markets; amending RCW 66.24.170 and 66.28.040; reenacting and amending RCW 66.24.244; creating a new section; and providing an expiration date.

Referred to Committee on Labor, Commerce & Consumer Protection.

SB 6334 by Senators Kohl-Welles, Keiser, Kline, McDermott and Franklin

AN ACT Relating to unemployment benefits when a person voluntarily terminates employment; reenacting and amending RCW 50.20.050; and creating a new section.

Referred to Committee on Labor, Commerce & Consumer Protection.

SB 6335 by Senators Jacobsen, Hatfield, Shin and Kohl-Welles

AN ACT Relating to a property tax exemption for church property used by a nonprofit organization conducting activities related to a farmers market; amending RCW 84.36.020; and creating a new section.

Referred to Committee on Agriculture & Rural Economic Development.

SB 6336 by Senators Kastama, Rockefeller, Kilmer, Hargrove and Shin

AN ACT Relating to biodiesel requirements for ferry fuel; and amending RCW 43.19.642.

Referred to Committee on Transportation.

SB 6337 by Senators Regala, Carrell, Hargrove and Brandland

AN ACT Relating to inmate savings accounts; amending RCW 72.09.111; and providing an effective date.

Referred to Committee on Human Services & Corrections.

SB 6338 by Senators Regala, Carrell, Hargrove, Shin and Kline

AN ACT Relating to transitional housing for persons at risk of experiencing homelessness; amending RCW 59.18.040; and adding a new chapter to Title 19 RCW.

Referred to Committee on Human Services & Corrections.

SB 6339 by Senators Hobbs and Pridemore

AN ACT Relating to a sales and use tax exemption for wax and ceramic materials used to create molds for ferrous and nonferrous investment castings; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; and providing an effective date.

Referred to Committee on Ways & Means.

SB 6340 by Senators Regala and Kline

AN ACT Relating to membership of the Washington state forensic investigations council; amending RCW 43.103.040; and creating a new section.

Referred to Committee on Judiciary.

SB 6341 by Senators Hatfield, Haugen, Schoesler, Prentice, Shin and Fairley

AN ACT Relating to transferring emergency food assistance programs to the department of agriculture; amending RCW 43.330.130; adding a new section to chapter 43.23 RCW; and creating new sections.

Referred to Committee on Agriculture & Rural Economic Development.

SB 6342 by Senators Swecker, Hobbs, Franklin, Carrell, McDermott, Pridemore, Marr, Shin and Fairley

AN ACT Relating to the Washington soldiers' home; and amending RCW 72.36.010.

Referred to Committee on Government Operations & Elections.

SB 6343 by Senators Jacobsen, Kohl-Welles, Swecker, Haugen, Hatfield and Keiser

AN ACT Relating to the establishment of the Washington food policy council; adding a new chapter to Title 15 RCW; and providing an expiration date.

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Referred to Committee on Agriculture & Rural Economic Development.

SB 6344 by Senators Fairley, Prentice, Hargrove, Kauffman, Marr and McDermott

AN ACT Relating to city council campaign contribution limits; and adding a new section to chapter 42.17 RCW.

Referred to Committee on Government Operations & Elections.

SB 6345 by Senators Eide, Regala, Delvin, Haugen, Kohl-Welles, Rockefeller, Keiser, Fairley, Kline, Tom and Fraser

AN ACT Relating to the use of wireless communications devices while driving; and amending RCW 46.20.055, 46.20.075, 46.61.667, and 46.61.668.

Referred to Committee on Transportation.

SB 6346 by Senators Ranker, Haugen, Regala, Rockefeller, Pridmore, Marr, King, Fraser, Swecker, Kilmer, Shin, Tom, Kohl-Welles and Kline

AN ACT Relating to expanding the use of certain electric vehicles; and amending RCW 46.04.295, 46.61.723, and 46.61.725.

Referred to Committee on Transportation.

SB 6347 by Senators Ranker, Swecker, Haugen, Rockefeller, Pridmore, Marr, Hobbs, Fraser and Kline

AN ACT Relating to seawater desalination; and creating a new section.

Referred to Committee on Environment, Water & Energy.

SB 6348 by Senators Ranker, Swecker, Pridmore, Kohl-Welles, Regala, Berkey, Hobbs and Parlette

AN ACT Relating to prohibited communications of collection agencies and their employees; and reenacting and amending RCW 19.16.250.

Referred to Committee on Labor, Commerce & Consumer Protection.

SB 6349 by Senators Ranker, Holmquist, Haugen, Hobbs, Becker, Shin and Roach

AN ACT Relating to a farm internship program; amending RCW 49.46.010 and 50.04.150; adding a new section to chapter 51.16 RCW; and adding a new chapter to Title 49 RCW.

Referred to Committee on Labor, Commerce & Consumer Protection.

SB 6350 by Senators Ranker, Hargrove, Jacobsen, Rockefeller, Swecker, Marr, Fraser, Murray and Kline

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AN ACT Relating to marine waters planning and management, including marine spatial planning; reenacting and amending RCW 43.84.092; adding a new section to chapter 43.21F RCW; adding a new chapter to Title 43 RCW; and providing an expiration date.

Referred to Committee on Natural Resources, Ocean & Recreation.

#### MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exception of Senate Bill No. 6310 and Senate Bill No. 6320 which were referred to the Committee on Human Services & Corrections.

#### MOTION

Pursuant to House Concurrent Resolution No. 4407, at 11:51 a.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President for the purpose of receiving the State of the State message in Joint Session.

#### JOINT SESSION

The President called the Joint Session to order. The Clerk called the roll of House members. The Clerk called the roll of Senate members. A quorum of the Legislature was present.

President Owen: "This Joint Session has been convened to receive the state of the state message from Her Excellency, Governor Christine Gregoire."

The President appointed a special committee to escort the Supreme Court Justices to the House Chamber: Representatives Linville and Rodne, and Senators Delvin and Kauffman.

The President appointed a special committee to escort the statewide elected officials to the House Chamber: Representatives O'Brien and Taylor and Senators Becker and Hobbs.

The President appointed a special committee to advise Her Excellency, Governor Christine Gregoire, that the joint session had assembled and to escort her to the House Chamber: Representatives Fagan and Haigh and Senators Carrell and Gordon.

The Supreme Court Justices arrived, were escorted to the Floor of the House Chamber and were introduced: Chief Justice Barbara Madsen, and Justices Charles Johnson, Gerry Alexander, Richard Sanders, Tom Chambers, Susan Owens, Mary Fairhurst, James Johnson and Debra Stephens.

The statewide elected officials arrived, were escorted to the floor of the House and were introduced: Secretary of State Sam Reed, State Treasurer Jim McIntire, State Auditor Brian Sonntag, Superintendent of Public Instruction Randy Dorn, Insurance Commissioner Mike Kreidler, Commissioner of Public Lands Peter Goldmark.

The President introduced the special guests present in the Chambers: King County Executive Dow Constantine; Seattle Police Chief John Diaz; Pierce County Executive Pat McCarty; Pierce County Sheriff Paul Pastor, Lakewood Police Chief Brett

Farrar, Clallum County Commissioner Steve Tharinger; Carol Hatch, Chairwoman of Quileute Tribe; Charlotte Williams, Chairwoman of Muckleshoot Tribe; Mel Sheldon, Chairman of Tulalip Tribe; former Secretary of State Ralph Munro and the President of the Senate's son Adam Owen.

The President introduced the members of the Consular Corps: Helen Szablya, President, Consular Association of Washington and Consul of Hungary; Ronald Masnik, consul of Belgium; Frank Brozovich, Consul of Croatia; Enid Dwyer, Consul of Jamaica; Shinji Urabayashi, Senior Consul of Japan; Haryong Lee, Consul General of the Republic of Korea; Stephen Zirschky, Consul of Latvia; Victor Lapatinskas, Consul of Lithuania; Marisela Quijano, Deputy Consul of Mexico; Kim Nesselquist, Consul of Norway; Miguel Angel Velasquez, Consul of Peru; Yuri Gerasin, Consul General of the Russian Federation; Luis Fernando Esteban, Consul of Spain; Gary Furlong, Consul General of Uzbekistan; Daniel Liao, Director General, Taipei Economic and Cultural Office and Consul Wendy Baldwin of Canada.

Governor Christine Gregoire, her husband Mike Gregoire and their daughter Michelle Gregoire arrived, were escorted to the Rostrum, and were introduced.

The President introduced guests from Pacific Northwest Economic Region (PNWER), and Representatives of the Vancouver Organizing Committee for the Olympic and Paralympic Games: Michael Chisholm, Member of Legislative Assembly, Saskatchewan and Vice President of PNWER; Kyle Fawcett, Member of Legislative Assembly, Alberta; Senator Lesil McGuire, Alaska State Senate, PNWER President; Taleeb Noormohamed, Vice President of National and International Partnerships for the Vancouver Organizing Committee for the Olympic and Paralympic Games.

The flags were escorted to the rostrum by the Washington State Patrol Color Guard commanded by Sergeant John Sager. The National Anthem was sung by cadets from the Washington Youth Academy: Ashley Romero, Marlynn Marok and Mercy Samuel. The President led the chamber in the Pledge of Allegiance. The prayer was given by the Honorable M. Brian Cladoosby, Chair of the Swinomish Tribe.

M. Brian Cladoosby: "Good and gracious creator of all that is, today we give you thanks for this beautiful part of mother earth that we call home. We are grateful for the soaring peaks of the Cascades and Olympics, the crashing waves of the coast, the broad expanse of the Palouse and the tide flats of the Salish Sea. In all these places we see the work of your hand. We thank you for the salmon, the elk, the berries, the shellfish, and all the other things that you provide to nourish and strengthen our bodies. We thank you for the medicines that your forests and prairies produce, for the yew tree, the camas root and the nettle. We thank you for the cedar and fir trees with which we shelter and transport our families. Help us to walk humbly and gently on this land. These are hard times for our state, Lord. Many families are struggling. Some are barely hanging on, others have lost hope. Care for those who need you most, especially our children and our elders. Open our hearts to those in need. Help them to know that their leaders here come to serve, to be a light in dark times. Help those who are having a hard time to know that they are not forgotten, that they are valued and cherished. Today we ask that you bless this place and the work that will occur here. Thank you, creator, for choosing these elected officials for your work. Bless our Governor, who carries so much on her

shoulders. Bless these legislators, on whose wisdom so many depend. Bless the staff, who hold up the leaders we have called to service. Bless the families of all those who have been called here and who miss them while they are away. Bless our judges and all the other elected leaders here today, fill them with your wisdom and your mercy. Protect each and every one of them and care for them while they work through this legislative session. Help those who work in these halls to remember that they come here to represent all the people of our state, not one party or another, not one special interest group or another, but all people, your people. In a special way, we lift up our law enforcement community who have suffered so many losses in recent weeks. Put a special hedge of protection around those who give their lives to protect us. Let our military, law enforcement, fire fighters and other public safety officers know that you are with them and that we are with their families as they serve. As this Legislature begins its work, we ask your blessing upon the difficult decisions before these leaders. May the words spoken here be true. May the work done here be your work. May the product of this work be good and may the measure of its value be the impact it has on the generations to come. We ask you all these things in Jesus' name. Amen."

The President introduced Governor Christine Gregoire.

## STATE OF THE STATE

Governor Gregoire: "Thank you, Brian Cladoosby. Your words are appreciated. Thank you, Ashley Romero, Marlynn Marok and Mercy Samuel for that wonderful performance of the national anthem. I first heard these three young women a few weeks ago at graduation ceremonies for the Washington Youth Academy and I knew that their voices and spirit needed to be here today.

Mr. President, Mr. Speaker, Madam Chief Justice, distinguished justices of the court, honored officials, members of the Washington State Legislature, former governors, tribal leaders, local government officials, law enforcement officers, members of the Consular Association of Washington, my fellow citizens:

It gives me a great deal of pleasure to introduce my husband and best friend, Mike Gregoire or as he has become known, First Mike. Mike continues his work in our schools teaching kids to love reading as much as he does. And on a lot of mornings he leaves the house with one thought in mind: What he will do to assist fellow military veterans in any number of ways, from helping when they return from war to finding a job. Thank you, Mike! Mike and I are blessed with two wonderful daughters and a great son-in-law. Courtney and Scott couldn't join us today, but I'm pleased to have Michelle here. Michelle is about to decide if she will pursue a law degree which makes Mike a little nervous. Along with Courtney and Scott, that would make four lawyers at the dinner table and then there'd be Mike. Mike, we can promise that we won't make you file a motion when you want us to pass the salt and pepper. This afternoon, I welcome the 61st Washington Legislature back to Olympia. I very much appreciate the simple fact that 147 men and women are willing to interrupt their lives to spend their days, and often their nights, struggling with how best to serve the people who sent you here. It's not easy, but it is important. It's an understatement to say this year will be incredibly challenging. It will test us and the values we hold like no other year. But this year will also be long remembered. We have been called on to steer our state through one of the most difficult chapters in its history. Tragically, Washington has lost 21 of our heroes to terrible violence at home and abroad.

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In 2009, we witnessed unspeakable tragedy. Seven law enforcement officers were killed in the line of duty from Lewis County and Pierce County, Seattle and Lakewood; and overseas, 13 of our military service members from Washington were killed in Iraq and Afghanistan. And just last week, a Grant County deputy died while on patrol when his car rolled over. It is often said that law enforcement officers and servicemen and -women make the ultimate sacrifice to protect us and our nation. Sadly, in the past year, the real human tragedy behind these words was driven home to us with numbing regularity. They are sons and daughters, brothers and sisters, husbands and wives, moms and dads, colleagues and friends, and while they are lost to us forever, they will never be forgotten. These are my heroes. They gave their lives to protect us and they come no better than that. Let us always remember the families who were left behind and their sacrifices. They too are my heroes, and my heart still breaks for them.

You have a list of these law enforcement officers and servicemen and -women. Please join me for a moment of silence for them and their families... These Washingtonians gave their lives so we could have safer communities and a secure nation. For them and their families, we have a duty this session to help build a better future for Washington.

The worst national economic collapse in 80 years has been hard on too many families across the state. In all corners of our state, families are struggling to survive the great recession. These people are good people. People who have always worked and now for the first time are filing for unemployment, parents who have sacrificed to make better lives for their kids and are now struggling just to put food on the table. For all these struggling families, we have a duty this session to rebuild the economic future of Washington. People who believe in the American dream of homeownership and now feel the fear of foreclosure. People who are used to giving a helping hand to others, and are now forced to ask for help themselves. People like the man I met at a food bank in Seattle where I was handing out food to families. He looked me in the eye and said, "I've been coming here for years, but until today, I was always on your side of the table. I never thought I would be in the receiving line." Sadly, he is not alone. In 2009, about 475,000 people in our state signed up for unemployment benefits. These aren't regulars. Most are first-time recipients.

The loss of jobs has created a ripple effect through social service agencies and the economy. Today, one in 13 of our people receives basic food assistance. More than 40 percent of them are children. During the fall of 2009, more than 26,000 homeowners watched their dream of homeownership fade as they experienced the heartbreaking process of foreclosure. More than 86,000 people are on the Basic Health Plan waiting list, and remain just one serious illness away from financial ruin. For all these struggling families, we have a duty this session to rebuild the economic future of Washington.

For all of us who are called to public service, I would suggest that now is the time for leadership, it is the most important time to serve. For as difficult and challenging as the decisions that lie ahead of us will be, now is the time to be decisive, and now is the time for compassion. It's the time to make a real difference for people. It's the time to truly shape the future of Washington. In the best of times, people forget legislative sessions. In the worst of times, history shows decisiveness is what is remembered. We must have the courage to make hard choices and to plan for tomorrow while making decisions for today. They expect us to manage the economic crisis and focus on rebuilding our economic future. There is no question the challenges facing Washington families and businesses are great. But I also know

the resiliency, the creativity and the work ethic of the people of Washington.

We will get through this historic recession, and I know as sure as I know my beloved state that Washingtonians are moving toward a better, brighter future. I know Washingtonians don't expect us to solve all their problems. I have said it before and I will say it again: The best solutions to our problems come from within our families, our communities, our service organizations and our faith-based communities. So how do we help build a bright economic future for our state? One of the things that I love about my job is that I get to talk to Washingtonians across the state. I visit schools and diners, factories and coffee shops. Here, ladies and gentlemen, is what I hear people say. They tell me they are scared but they know things will get better. That we are on the cusp of a new economy and that jobs will come from the growth industries of tomorrow in fields like clean energy, health care and technology. They definitely don't want business-as-usual from government. They want real government reform, real innovation, real service improvement and more value for their tax dollar. They expect us to manage the economic crisis and focus on rebuilding our economic future. They worry about their kids' future and they want a first-class education system that will prepare children to pursue the career of their dreams. They want the security of having health care for themselves and their families and they want to have safe communities for all of us. In short, they want us to make tough choices, both to help get families back to work today and to make wise investments that will ensure our competitiveness so they will still be working tomorrow. Jobs are the way out of this recession.

Some of our actions have been paying dividends. Our tough decisions on gas taxes, affirmed by the voters, produced the largest transportation construction program in history and supports more than 21,000 jobs annually. The goal is to attract \$2 billion in capital investments to fuel job growth. Our creation of the Life Sciences Discovery Fund in 2005 helped spark our global health initiatives and the biotechnology and medical devices industries. To our benefit we have embraced a clean energy future. We now have 400 clean technology companies in Washington State and we're still growing. These and other actions resulted in Forbes Magazine ranking Washington higher and higher until we are now the second-best state for business. We can and must do more to generate jobs.

We need to get Washington back to work. We owe it to our families to provide job opportunities. I have a plan to create as many as 40,000 new jobs this year. Here's how we can make it happen. Washington has always been a state that attracts capital, both financial and intellectual. We need to keep that tradition going, and one way to do that is to stimulate capital investment in biotechnology, software development, health care, clean technology, renewable energy, aerospace and other industries that will drive our future. The goal is to attract \$2 billion in capital investments to fuel job growth.

We all know small businesses, the backbone of our economy, are suffering the damage of this recession as much as everyone else. Many owners want to hire employees, but they need help. That's why I am proposing a new employee tax credit for each small business that hires for a new full-time position. I will direct agencies to enact a green building program that will retrofit state buildings so we put people to work immediately, reduce our carbon footprint and save \$60 million in energy costs. I will create the Clean Energy Business Development Program to position Washington to be a leader in the clean energy economy and keep us competitive globally. With the world moving toward a smart electrical grid, we will actively work to attract those

businesses to invest in and create jobs in our state. We must make Washington attractive to business by removing barriers to investments. That's why I will propose further streamlining and simplifying permitting. Government must be smarter and more efficient as well.

Many hard-earned, time-limited development permits have sat unused while developers wait for financing in this credit-tight economy. I will direct my agencies to extend these permits for two years so hundreds of millions of dollars worth of projects can break ground as soon as possible. Our new "One Front Door" program will improve customer service and permitting. I will expand our multi-agency permitting teams to help businesses break through the red tape and to quickly move from planning to job-producing construction. Job opportunities must exist all across our state. In some areas, the unemployment rate has soared to more than 14 percent. I will encourage development in these hard-hit areas by amending the Rural County Tax Credit Program so it is easier for employers to qualify and hire more workers.

Washington families and businesses are cutting back and trying to do things smarter as they make do with less. Government must be smarter and more efficient as well. Washingtonians are our customers and they want one-stop shopping. They don't want to drive across town to brick-and-mortar government offices. They want computer kiosks that offer more convenient service at lower cost. They don't want to wonder where their tax dollars go. They want agencies to be accountable and to show value given for every dollar received. I had a guy tell me recently that he was dreading his upcoming trip to a driver's license office to renew his license. Then a letter came in the mail telling him he could renew online. What could have been a two-hour-long trip turned into a two-minute exercise. That's the kind of service government should and can provide.

We are streamlining state government. Government Management Accountability and Performance, my program to hold state agencies accountable for providing high-quality service and value for every tax dollar, has been cited for its innovation by the Kennedy School of Government at Harvard and by the Council for State Governments. By executive order I have eliminated 73 boards and commissions. Like businesses today, we are cutting costs, reducing staffing and increasing efficiency by consolidating back-office support services like the motor pool, property management and technology. Now is the time to create a lean and effective government. We are using technology to better serve the public at less cost. The Department of Licensing, in its most recent improvement, is closing or modifying 26 offices and deploying self-service terminals around the state that will make service easier and more accessible to the public and result in more than \$3.5 million in savings per biennium. Since we met a year ago, three scientists from different agencies can no longer be found standing in the same river doing research. Now state agencies can rely on one scientist to gather data and share results. These and other steps resulted in the Pew Center rating Washington one of the three best-managed states in the nation. But we must do better.

I want government reform this year. It is time to peel away the outdated and costly layers of government that we once needed but no longer do. This session, I am asking you to approve legislation that would eliminate 78 more boards and commissions. But don't stop there. I am proposing mergers or realignments that will reduce or eliminate one-third of the 64 small state agencies. Now is the time to create a lean and effective government. Today we have three growth management hearings boards and five environmental appeals boards, each doing business its own way. Let's reduce to one growth management board and two environmental hearings boards, with

just one appeal timeline and set of procedures for environmental and land use appeals.

Now is the time to be more practical in the way we do business. Over the years, the Department of Commerce has become a hodgepodge of programs. This session I am asking you to move 25 programs out of the Department of Commerce so it can focus on its critical core mission, and programs can be better aligned to meet the needs of their customers. Now is the time to have the courage to close institutions that may be an important fixture in a community, but are no longer cost effective, or whose services are no longer needed or can more effectively be provided elsewhere. I am asking you to close all or part of 10 state institutions. But we have more work to do, and this session will test our mettle.

First, I propose to close, or partially close, five correctional facilities. By more efficiently using the beds we have, we can save \$65 million over four years, and not release a single offender prior to his or her earned release date. Further, I am requesting that we close two of our residential centers and provide the residents better care in our communities. In the 1970s, we had six state institutions serving 4,000 people. Today, with only one fewer, we serve 900. Finally, I'm asking us to reduce the size of three juvenile institutions. The last time the state closed an institution was in the 1970s. Now is the time, this session, for us to demonstrate, as difficult as it is, that Washington state government makes good business decisions, not political ones.

The road to recovery and a bright economic future also starts with us effectively managing our budget crisis. We already have good management tools in place. Our creation of a Rainy Day Fund worked exactly as it was intended and helped prepare us for this current, dreadfully rainy day. That step and others helped improve our bond rating. As a result, we are getting the best bond rates in 30 years, and that translates into getting more for every dollar we spend, and more construction projects and jobs. But we have more work to do, and this session will test our mettle.

The state, this biennium, has a budget shortfall of \$12 billion and a \$30 billion budget. In December, I presented a balanced state budget as required by state law. It is said that budgets are state policy. But they are much more than that. The budget reflects who we are as a state and the values we hold. The December budget was balanced, but it would force us to abandon the values that define this state: fairness and compassion. It would be unjust, unwise and unfair to abandon our friends and neighbors when they need us the most. The balanced budget eliminates hospice care, which allows more than 2,500 dying patients to remain in their homes, and it cuts maternity care for 50,000 at-risk moms. That's not compassionate. These are our families, friends and neighbors. We must not deny our most vulnerable citizens the dignity of living out their final days at home and we must give our newborns a healthy start at life.

Education is the single best investment for our future and the key to the success of our kids. The balanced budget takes away health care for 70,000 individuals and 16,000 children. That's not fair. We must not deny health care to families and kids and then pass the costs on to the insured. The balanced budget eliminates early learning for 1,500 kids and would eliminate state funds for all-day kindergarten. That's not wise. Education is the single best investment for our future and the key to the success of our kids. The balanced budget closes the door to college on 12,300 low-income students. That's neither just nor smart. A child born into poverty must not be told college is out of reach.

Let me tell you a story about a young woman named Janel Brown. Janel grew up in poverty and is a survivor of domestic violence. She has seen how poverty hurts kids: teen pregnancy, drug addiction, gang killings and joblessness. Thanks to a program called Husky Promise, which provides tuition and fees

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to low-income students, Janel today is a 21-year-old junior at the University of Washington and the first person in her family to go to college. Janel has already made plans to give back by working with public schools to prepare kids who come from adverse backgrounds for college admittance. Without tuition assistance, Janel is emphatic: She never would have gone to college. But she hasn't left the inner city behind. She regularly returns to the community and talks to kids. She says the kids need to see someone they can relate to, like her, so they know it's possible to break through tough circumstances. Janel tells the kids this: If they do their part, somebody will meet them halfway. Ladies and gentlemen, we need to be that somebody who meets them halfway, to be there for them. I'm pleased that Janel is here today. Janel, will you please stand?

Speaking of being there for those who need it: Those three young women who sang earlier are here due to our investment in the Washington Youth Academy. We cannot just cut or just tax our way out of this immediate budget shortfall. The academy is proving second chances work, and it is turning around the lives of at-risk kids who have nowhere else to turn. There is no question we need to make dramatic cuts to the state budget. I've identified about \$1.7 billion in real cuts. But cuts at that level will end up costing us far more than we save. As we learn from people like Janel, investing in human potential today will produce a brighter future for Washington tomorrow.

We can make cuts that will write off a generation of kids, produce rising crime rates, increase public assistance costs and leave us with a legacy of squandered human potential, or we can invest in tuition aid today and produce a new crop of first-in-family college grads. We can make the cuts and wait for higher dropout rates and all the soaring social costs that will follow, or we can invest today in early learning, which is a proven tool for increasing the success of kids. We can cut costs and transfer higher medical costs to our doctors, hospitals and insured families, or we can invest in health care today and help contain costs and prevent families from facing financial ruin.

Later today I will present a budget I can support. It counts on new revenue of about \$750 million and cuts of almost \$1 billion. The revenue will come from new federal dollars, new taxes or both. Like you, I do not want taxes to harm the economic recovery of our families or our businesses, but I also cannot abandon my values, eliminate the safety net for our most needy and cripple our economic future. Let me be clear. We cannot just cut or just tax our way out of this immediate budget shortfall. We must have a responsible, balanced approach of painful cuts and new revenue. It is clear our recovery will not be complete by the end of this biennium. Our 2011-13 budget is of looming concern for us all, so let's work together and do what is right for Washington State. As we all know, building a bright economic future also starts with providing our children a first-class education. So we are making progress. But we can and must do more.

We have made progress in recent years. Our historic efforts to improve early learning are guaranteeing more kids success in school. Our K-12 student test scores continue to rank high nationally. Our innovative schools in cities around the state have been highly successful in raising vital math and science skills. Our community and technical college system is rated as one of the best in the nation. In classrooms, our hard-working, committed teachers are focused on improving student and teacher performance. In 2009, almost 1,250 teachers received the prestigious National Board Certification, and we rank fifth in the nation in board-certified educators, in part because of the investments we put in place. So we are making progress. But we can and must do more.

We must preserve and enhance the early learning initiative we started four years ago when we created the Department of Early Learning. Despite our tough times, now is the time to build the economic future for our children and our state. I ask you to adopt legislation creating "All Start," a voluntary Washington preschool program to provide early learning opportunities to all 3- and 4-year-olds. To ensure a good start for all our children, I ask you to continue our implementation of all-day kindergarten for all kids and to assure all our children get the education they deserve wherever they live in our state, I'm asking you to lift the levy lid and fund levy equalization.

Highly effective teachers in the classroom and principals who are leaders and are key to student success. I urge you this session to approve an overhaul of the way we evaluate teachers. The new evaluation system must focus on what really counts: high-quality instruction, student achievement and growth. And for the first time, I ask you to provide a system to evaluate the performance of principals based on student achievement as well. If we have schools where dropout rates are high, student performance and achievement are low, and where no progress is being made, we need to be able to step in and turn them around. Our higher education system is a major economic engine for our recovery. We need to keep the doors to higher education open to students of all income levels by restoring funding for the State Need Grant Program. We owe it to all those, like Janel, who couldn't attend college without our help. I'm asking you to provide funding to our community and technical colleges to retrain 2,500 of our workers for the jobs of tomorrow, and I'm requesting you provide our four-year institutions with competitive tuition flexibility so we can continue to be ranked among the best in the nation in producing the most innovative workers and employers. As our nation prepares to adopt historic health care reform, let's ready ourselves to implement it the Washington Way.

Our congressional delegation is working hard to achieve fundamental fairness for our state through changes to children's health coverage and reimbursement rates for doctors and hospitals. Already, our Basic Health Plan is being touted as a model for the country. We can show the rest of the nation how to provide higher-quality, lower-cost health care to thousands more Washingtonians.

Finally, rebuilding our future means we need to make sure our families are safe. We have been making progress. Our communities are safer today because we gave members of law enforcement the help they asked for in dealing with sex offenders. They have done an admirable job. Last year, more than 28,000 address verification visits were made, resulting in more than 800 arrests for failure to register and 1,700 arrests made on other warrants. Our highways are safer. Since 2002, the number of highway deaths dropped from 659 to 481. Last year, Mothers Against Drunk Driving selected the Washington State Patrol as the outstanding law enforcement agency in the nation for its DUI enforcement. But we must do a better job protecting our law enforcement members and our families. This session, we need to strengthen our mental health laws to prevent the release of violent offenders to our streets. Our families aren't safe when a murderer is released from a mental health hospital after just two years of treatment; when a man convicted of the brutal murder of an elderly woman disappears while on a field trip to a county fair; or when a violent criminal history isn't considered when decisions are made to involuntarily commit individuals. Let's get to work for our fallen officers, their families and our entire law enforcement community. The rights of dangerous mentally ill offenders cannot trump the safety of our families. It is time to ensure both. I will send you a package of bills this session to

hold offenders accountable, increase the sentencing tools of prosecutors, and give more weight to law enforcement and criminal histories when making commitment decisions.

Recently, we have all been shocked by the tragic loss of our law enforcement officers. Leaders of the criminal justice system have come together, and with them, I propose improvements to communications throughout the justice system, how bail is administered in our state and how the Interstate Compact system can better provide public safety to Washingtonians. We must ensure that the legacies of these fallen heroes survive by giving their families the support that they deserve. Surviving spouses must be entitled to retirement benefits regardless of the fallen officer's length of service. For their children, it is our duty to make available a college education. These proposals have been carefully crafted with the help and the expertise of the law enforcement community. They are measured, thoughtful and ensure that from tragedies we learn, we take action and we do the right thing. Let's get to work for our fallen officers, their families and our entire law enforcement community.

Someone once asked Martin Luther King Jr. when he thought the best time was to take serious action. Dr. King had an answer for him. "The time is always right to do what is right." To each of you sitting here in front of me this day, I ask you: Let us work together to do what is right for our people, all of our people. We're all good people. We all have values. Our work is complicated and sometimes values collide. What we do about that is called governing. Let's leave the partisan politics to elections. Washingtonians hate how divided things have become. They just want us to solve the problems. Let's provide the decisive, compassionate leadership Washingtonians want and deserve.

So I'll tell you right now: If you have better ideas to create jobs, reform government, balance the budget, improve our schools, provide high-quality, affordable health care or ensure public safety, I am ready and willing to listen. These are serious days ahead. Too many families today are getting layoff notices, watching unpaid bills pile up, losing health care, telling their kids they can't attend college, standing in line at the food bank, or dipping into a dwindling savings account just to get by. Let's not waste their time or the crisis. This session is our time, our time to encourage them to keep the faith in the great promise that Washington offers, our time to help provide them a bright economic future. It is not going to be easy. The decisions we have to make will not always be popular, but we have a duty to our struggling families and businesses to help build a bright future for Washington. The time is now. It is our time. Let's provide the decisive, compassionate leadership Washingtonians

want and deserve. Thank you, God bless you and God bless the great State of Washington."

The President asked the special committee to escort Governor Gregoire and her family from the House Chamber.

The President asked the special committee to escort the statewide elected officials from the House Chamber.

The President asked the special committee to escort the Supreme Court Justices from the House Chamber.

On motion of Representative Kessler, the Joint Session was dissolved. The Speaker (Representative Morris presiding) assumed the chair.

The Sergeant at Arms of the House and the Sergeant at Arms of the Senate escorted President of the Senate Brad Owen, President Pro Tempore Rosa Franklin and Minority Floor Leader Mark Schoesler from the House Chamber.

The Senate was called to order at 1:25 p.m. by President Owen.

PRESIDENT SIGNED

January 12, 2010

The President signed:

HOUSE CONCURRENT RESOLUTION 4406  
HOUSE CONCURRENT RESOLUTION 4407

MOTION

At 1:26 p.m., on motion of Senator Eide, the Senate adjourned until 10:00 a.m. Wednesday, January 13, 2010.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

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